

## Department of the Army, DoD

## § 635.1

- 635.21 USACRC control numbers.
- 635.22 Reserve component, U.S. Army Reserve, and Army National Guard personnel.
- 635.23 DA Form 4833 (Commander's Report of Disciplinary or Administrative Action).
- 635.24 Updating the COPS MPRS.
- 635.25 Submission of criminal history data to the CJIS.
- 635.26 Procedures for reporting Absence Without Leave (AWOL) and desertion offenses.
- 635.27 Vehicle Registration System.
- 635.28 Procedures for restricted/unrestricted reporting in sexual assault cases.
- 635.29 Domestic violence and protection orders.
- 635.30 Establishing domestic violence Memoranda of Understanding.
- 635.31 Lost, abandoned, or unclaimed property.

### Subpart D—Army Quarterly Trends and Analysis Report

- 635.32 General.
- 635.33 Crime rate reporting.

### Subpart E—Victim and Witness Assistance Procedures

- 635.34 General.
- 635.35 Procedures.
- 635.36 Notification.
- 635.37 Statistical reporting requirements.

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### Subpart A—Records Administration

#### § 635.1 General.

(a) Military police records and files created under provisions of this part will be maintained and disposed of in accordance with instructions and standards prescribed by Army Regulation (AR) 25-400-2, AR 25-55, AR 340-21, and other applicable HQDA directives.

(b) Each Provost Marshal/Director of Emergency Services will appoint in writing two staff members, one primary and one alternate, to account for and safeguard all records containing personal information protected by law. Action will be taken to ensure that protected personal information is used and stored only where facilities and

conditions will preclude unauthorized or unintentional disclosure.

(c) Personally identifying information includes, for example, information that is intimate or private to an individual, as distinguished from that which concerns a person's official function or public life. Specific examples include the social security number (SSN), medical history, home address, and home telephone number.

(d) Access to areas in which military police records are prepared, processed and stored will be restricted to those personnel whose duties require their presence or to other personnel on official business. Military police records containing personal information will be stored in a locked room or locked filing cabinet when not under the personal control of authorized personnel. Alternate storage systems providing equal or greater protection may be used in accordance with AR 25-55.

(e) Only personnel on official business can have access to areas in which computers are used to store, process or retrieve military police records. When processing military police information, computer video display monitors will be positioned so that protected information cannot be viewed by unauthorized persons. Computer output from automated military police systems will be controlled as specified in paragraph (d) of this section.

(f) Output from any locally prepared data or automated systems containing personal information subject to the Privacy Act will be controlled per AR 340-21. All locally created, Army Commands (ACOM), Army Service Component Commands (ASCC) or Direct Reporting Units (DRU) unique automated systems of records containing law enforcement information must be reported to and approved by HQDA, Office of the Provost Marshal General prior to use. The request must clearly document why the COPS MPRS system cannot meet the requirements or objectives of the organization. After review and approval by HQDA, the installation, ACOM, ASCC and DRU will complete and process the systems notice for publication in the FEDERAL REGISTER per AR 340-21 and the Privacy Act.

(g) Provost Marshals/Directors of Emergency Services using automated systems will appoint, in writing, an Information Assurance Security Officer (IASO) who will ensure implementation of automation security requirements within the organization. Passwords used to control systems access will be generated, issued, and controlled by the IASO.

(h) Supervisors at all levels will ensure that personnel whose duties involve preparation, processing, filing, and release of military police records are knowledgeable of and comply with policies and procedures contained in this part, AR 25-55, AR 340-21, and other applicable HQDA directives. Particular attention will be directed to provisions on the release of information and protection of privacy.

(i) Military police records identifying juveniles as offenders will be clearly marked as juvenile records and will be kept secure from unauthorized access by individuals. Juvenile records may be stored with adult records but clearly designated as juvenile records even after the individual becomes of legal age. In distributing information on juveniles, Provost Marshals/Directors of Emergency Services will ensure that only individuals with a clear reason to know the identity of a juvenile are provided the identifying information on the juvenile. For example, a community commander is authorized to receive pertinent information on juveniles. When a MPR identifying juvenile offenders must be provided to multiple commanders or supervisors, the Provost Marshal/Director of Emergency Services must sanitize each report to withhold juvenile information not pertaining to that commander's area of responsibility.

(j) Military police records in the custody of USACRC will be processed, stored and maintained in accordance with policy established by the Director, USACRC.

#### **§ 635.2 Safeguarding official information.**

(a) Military police records are unclassified except when they contain national security information as defined in AR 380-5.

(b) When military police records containing personal information transmitted outside the installation law enforcement community to other departments and agencies within DOD, such records will be marked "For Official Use Only." Records marked "For Official Use Only" will be transmitted as prescribed by AR 25-55. Use of an expanded marking is required for certain records transmitted outside DOD per AR 25-55.

(c) Military police records may also be released to Federal, state, local or foreign law enforcement agencies as prescribed by AR 340-21. Expanded markings will be applied to these records.

#### **§ 635.3 Special requirements of the Privacy Act of 1974.**

(a) Certain personal information is protected under the Privacy Act and AR 340-21.

(b) Individuals requested to furnish personal information must be advised of the purpose for which the information is collected and the disclosures by which it is routinely used.

(c) Army law enforcement personnel performing official duties often require an individual's SSN for identification purposes. Personal information may be obtained from identification documents without violating an individual's privacy and without providing a Privacy Act Statement. This personal information can be used to complete military police reports and records. The following procedures may be used to obtain SSNs:

(1) Active Army, U.S. Army Reserve (USAR), Army National Guard (ARNG) and retired military personnel are required to produce their Common Access Card, DD Form 2 (Act), DD Form 2 (Res), or DD Form 2 (Ret) (U.S. Armed Forces of the United States General Convention Identification Card), or other government issued identification, as appropriate.

(2) Family members of sponsors may be requested to produce their DD Form 1173 (Uniformed Services Identification and Privilege Card). Information contained thereon (for example, the sponsor's SSN) may be used to verify and complete applicable sections of MPRs and related forms.